

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-4264/P2dn  
RCT:cjs:rs

March 2, 2010

This is a preliminary draft of the proposal concerning groundwater quality in areas with carbonate bedrock. The proposal and the existing statutes are quite complex and, consequently, so is the draft. It should be reviewed carefully.

Section 92.07 of the statutes authorizes county land conservation committees (CLCCs) to adopt requirements for controlling erosion and nonpoint source water pollution. The statute requires these requirements to be consistent with DNR's performance standards and prohibitions, and DATCP's conservation practices and technical standards, under s. 281.16 (3) for agricultural facilities and practices that are begun on or after October 14, 1997, and for facilities and practices that began earlier if cost-sharing is available.

In response to the instructions to make cost-sharing requirements inapplicable in participating counties in certain areas of heightened vulnerability to groundwater contamination from land spreading, I specified that CLCC requirements for controlling erosion and nonpoint source water pollution in participating counties must be consistent with the performance standards, prohibitions, conservation practices, and technical standards under s. 281.16 (3) for agricultural facilities and practices that are begun before October 14, 1997, in those areas of heightened vulnerability even if cost sharing is not available. After discussing this with John Stolzenberg, I also added that the CLCC requirements under s. 92.07 in participating counties, as they apply to all areas that are vulnerable because of carbonate bedrock, must be consistent with the performance standards and prohibitions that DNR will create under this draft. Please let me know if you do not want to require CLCCs in participating counties to modify their requirements for controlling erosion and nonpoint source water pollution in this way.

Section 92.15 (2) of the statutes authorizes local governments to enact regulations of livestock operations that are consistent with and do not exceed the performance standards, prohibitions, conservation practices, and technical standards under s. 281.16 (3) (the applicability of such regulations is subject to cost-sharing requirements as described above). This draft provides that the local regulations may also be consistent with the performance standards and prohibitions that DNR will create under this draft, for the areas in which those regulations will apply. Section 92.15 (3) authorizes local governments to enact regulations that are more stringent than the state performance standards, prohibitions, conservation practices, and technical

standards only if the local governmental unit demonstrates to the satisfaction of DATCP or DNR that more stringent regulations are necessary to achieve water quality standards under s. 281.15. John raised the issue of whether the standard for allowing local regulations that exceed the state performance standards (and so forth) should be broadened to refer, for example, to the drinking water standards under ch. 160. Please let me know if you wish to make such a change.

Please contact me with any questions or redraft instructions.

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